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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 10/02/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,181

Applicant(s)

Kneppe et al.

Examiner

Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other:

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DETAILED ACTION

1. The preliminary amendment filed with the original papers on March 12, 2001 has been entered-in-part. The changes to claims 1 and 7-10 were not entered because the word or phrase in the described location could not be found. The changes to claims 11-16 were not entered because these claims are not present in the application.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement filed May 2, 2001 (paper no. 5) has been received and the references listed thereon have been considered.

Drawings

4. The drawings are objected to because of the following informalities:

In Figure 1, the lead lines for numeral 4 are inaccurate and should indicate the channels (indicated by the area inside the dashed lines), not the nozzles.



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In Figure 3, the upper occurrences of numeral 4 appear to be inaccurate, and it seems that they should be changed to --4'-- or the like; also, it seems that numeral 3 with an arrowheaded lead line should be added for clarity.

In Figure 4, it seems that numeral 3 should be changed to --3'-- or the like since it indicates a modified version of the shears of Figure 3.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Abstract

5. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Specification

6. The disclosure is objected to because of the following informalities:

On page 6, line 18, "flow sheet" is unclear, and it seems that "sheet" should be changed to --chart-- or the like.

On page 7, line 2 from the bottom, "device" is unclear as to what structure it refers, and the appropriate numeral should be inserted thereafter.

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On page 8, a description for numeral 1' (shown in Figure 2 and described in claim 1) should be provided; in line 21, the use of the term "riveted" is unclear; in line 25, "4" should be changed to --4, 4'-- or the like.

On page 9, line 1, the use of the term "riveted" is unclear; in line 4, numeral 3 appears to be inaccurate, and it seems that it should read --3'--; in line 19, "detected" is improper, and it seems that it should read --detect--; in line 23, "3" should read --3, 3'-- or the like; in lines 27-28, the sentence is awkwardly worded and unclear, and it seems that "that" in line 27 should be deleted for clarity, and "bends" in line 28 should be changed to --for bending-- or the like.

On page 10, line 1, "15'" appears to be inaccurate, and it seems that it should read --15--; in line 5, "3" should read --3, 3'-- or the like.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. Claims 1-10^x are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite language and should be carefully reviewed. The following are examples of many of the occurrences of such language.

In general, claims 1-6 are vague and indefinite as to what is being set forth, particularly since these claims are intended to define a method but no active method steps are set forth. Additionally, the following are examples of occurrences of vague and indefinite language.

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In claim 1, line 3, the recitation “such as a rolling table” renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention; in lines 3-4, the recitation “and/or during, before of after” is vague and indefinite as to what is being set forth; in line 5, “loaded” is vague and indefinite as to what is being set forth; in line 6, “energy-rich” is vague and indefinite as to what is being set forth; in lines 7-8, the recitation “by means of” renders the claim vague and indefinite, particularly as to whether it is intended to invoke 35 USC 112, 6th paragraph; in line 9, “the interior” lacks positive antecedent basis; in line 10, “the transport and/or blade carrier drums” lacks antecedent basis; in line 12, “before and/or behind” is vague as to what is being set forth; also in line 12, “the support areas” lacks antecedent basis; in line 13, “the blades” lacks positive antecedent basis; in lines 14-15, the recitation “at a slant or at a substantially perpendicular angle” is vague and indefinite as to the orientation of the jet; in line 20, “a drum” is vague and indefinite as to whether it refers to one of those set forth in line 10 or to another such drum; in lines 21-22, “a rotatable transport or blade carrier drum” is vague and indefinite as to whether it refers to one of those set forth in line 10 or to another such drum.

In claim 2, lines 1-2, “the signaling device” lacks antecedent basis; in line 2, “the strip head or the strip cut” lacks antecedent basis, and is vague and indefinite as to what is being set forth.

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In claim 3, lines 1-2, the recitation “in the case of transport drums of a rolling table” is vague and indefinite as to what is being positively set forth; in line 2, “a rolling table” is vague and indefinite as to whether it refers to that set forth in claim 1 or to another such rolling table.

In claim 4, line 2, the recitation “in the case of chisel shears” is vague and indefinite as to what is being positively set forth; in lines 7-8, the recitation “preferably ...” renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention; also in lines 7-8, the recitation “before and/or behind ... from above and/or from below” is vague and indefinite as to what is being set forth.

In claim 5, line 2, the recitation “in the case of shearing-off shears” is vague and indefinite as to what is being positively set forth; in line 3, the recitation “each with a blade” is vague and indefinite, particularly since only one blade drum has been set forth; in lines 5-7, the recitation “before and/or behind ...” is vague and indefinite as to what is being set forth.

In claim 6, line 3, “in particular” renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention; in line 4, “the chisel-type shears” lacks antecedent basis; in line 5, “the guide wedge” lacks antecedent basis.

In claim 7, line 2, “in particular” renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention; in lines 7-8, the recitation “are oriented against the top surface and/or bottom surface of the sheet metal or the metal strip” renders the claim vague and indefinite, particularly since it appears to be positively defining the invention in terms of the workpiece which is not part of the claimed invention; in lines 11-12,

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structural cooperation is lacking for “connecting members”; in line 16, “a drum” is vague as to whether it refers to that previously set forth or to another such drum; in line 17, “a source” is vague as to whether it refers to that previously set forth or to another such source; in line 18, “preferably” renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention; in line 19, “a drum” is vague as to whether it refers to that previously set forth or to another such drum.

In claim 8, lines 1-2, “the chisel-type shears” lacks antecedent basis; in line 2, “the rolling table” lacks antecedent basis; also in line 2, the recitation “the rolling table guide wedges” is vague and indefinite as to what is being set forth; in line 7, the recitation “above the sheet metal or strip” renders the claim vague and indefinite since the invention is being positively defined in terms of the workpiece which is not part of the claimed invention; in line 9, “the motor” lacks antecedent basis.

In claim 9, lines 1-2, “the jet width” lacks positive antecedent basis.

In claim 10, line 1, the recitation “one or several of” is indefinite as to what is being set forth.

Prior Art

8. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3590; informal/draft papers - (703)305-9835.



Clark F. Dexter
Primary Examiner
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cf
September 30, 2002